

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable James A. Parker

Title: Gallegos et al. v. City of Española
Case Number: 12-cv-224
Date: 12/10/2014

Courtroom Clerk: Walker Boyd
Court Reporter: John De La Rosa

Attorneys Present for Plaintiffs:
Nathaniel v. Thompkins

Attorneys Present for Defendants:
Joseph L. Romero

Type of Proceeding: Pretrial conference
Motion hearing on 195, Motion to Withdraw.

Start Time: 1:23
End Time: 1:40
Time in Court: 17 minutes

Court's Rulings/Disposition: The Court denied Plaintiff's Motion to Withdraw without prejudice to re-filing it in compliance with local rules.

Notes on the Proceedings:

Counsel stated their appearances for the record.

The Court heard argument from counsel about the motion to withdraw. Mr. Romero said that the timing of the motion is suspect, and there are pending matters. There is not enough time for pro se litigants to obtain counsel. Mr. Gallegos is currently incarcerated. Ms. Pettine is currently subject to drug testing.

The Court asked Mr. Thompkins whether he was aware that Mr. Gallegos was incarcerated. Mr. Gallegos will be incarcerated at the time of the scheduled trial. Mr. Gallegos is represented in the criminal matter by David Foster.

Mr. Thompkins has told Mr. Gallegos that he is working under a conflict of interest. Mr. Gallegos opposes the motion to withdraw. Ms. Pettine has spoken to Defense counsel, and has communicated to Mr. Basham that she was trying to get out of the case.

Ms. Pettine has been refusing to speak with Mr. Thompkins. Mr. Thompkins does not know whether she has simply got cold feet or sees him as an adversary given his concurrent relationship with Mr. Gallegos.

1:33: Mr. Romero says that there is no conflict of interest because the interpersonal conflict amongst the two plaintiffs does not relate to the material aims of the litigation.

1:34: The Court says that the conflict seems relevant to the Plaintiffs' emotional distress. However, Mr. Thompkins has not complied with the local rules governing motions to withdraw, 83.3. Plaintiffs should have had notice that they had a chance to object to the motion.

1:37: The Court will vacate the trial date set for January. Mr. Thompkins will re-file a motion to withdraw and serve the motion on the co-plaintiffs. They will have 14 days after service to object, and so will Defendant.

Mr. Thompkins will file the revised motion today, and try and have it served to the parties as soon as possible. Mr. Thompkins will file a notice of service.

1:40: Court in recess.